



JFW/930
NIT-335

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

S. WATARI et al

Serial No. 10/091,425

Group Art Unit: 2878

Filed: March 7, 2002

Examiner: S. ALLEN

For: APPARATUS FOR AUTOMATICALLY DETECTING SIZE TO BE
DETECTED AND AUTOMATIC ANALYZER USING THE SAME

INFORMATION DISCLOSURE STATEMENT (IDS)
UNDER § 1.97 AND § 1.98

Commissioner for Patents
Mail Stop DD
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

September 17, 2004

1. This IDS should be considered:

(a) when filed within three months of the filing date of the present application, or within three months of the filing date of the National Stage as set forth in § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever occurs last;

(b) when filed before the mailing date of either a Final Rejection under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first and when 1(a) does not apply. For this purpose, there is included herein either a certification in section 4 below (included when indicated by a marked box), or a fee of \$180.00 (a Credit Card Payment Form in the amount of \$180.00 is enclosed, or if not see section 5 below);

(c) when filed prior to the payment of the Issue Fee, when 1(a)-(b) do not apply, and when a certification is included in section 4 below (included when indicated by a marked box); then the Applicant(s) hereby petition(s) and request(s) consideration of this IDS, and provided herewith is a fee of \$180.00 (a Credit Card Payment Form in the amount of

\$180.00 to cover the petition fee, or if not see section 5 below).

2. When 1(a)-(c) do not apply, then it is requested that this IDS be placed in the file.

3. Listing of the information submitted is on the attached Form PTO-1449, which forms a part of this IDS. A copy of each listed document is enclosed when needed (needed for U.S. and foreign patents, publication or portion thereof listed; no copy of a U.S. patent application is needed; a copy of a document is not needed when previously submitted or previously cited by the PTO in a parent application of the present application as set forth under 35 U.S.C. § 120).

4. The undersigned hereby states:

☒ (a) that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application, as indicated on the copy of the communication submitted herewith, which communication was dated not more than three months prior to the filing of this IDS; or

(b) that no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of this IDS.

5. If a fee or additional fee is required, the Commissioner is hereby authorized to charge any fee or additional fee that may be required and credit any excess to Deposit Account No. 50-1417. A duplicate of this sheet is attached.


6. No additional statement of relevancy is required to supplement the English-language translation of the Abstract of the Japanese document. However, the Applicants have translated the underlined portion of the Office Action as follows:

"As shown in the cite reference I[Japanese Laid-Open Patent Publication Hei-10-253910], it is well-known to

detect the size of a detection object by scanning optically from the front in the state where the background has a mark used as a standard, and detecting the size based on the reflected light signal converted electrically."

7. If the PTO determines that part of the required content is inadvertently omitted, then it is requested that the Applicants be given additional time and specific identification of such omission(s) to enable full compliance.

Respectfully submitted,


Daniel J. Stanger
Registration No. 32,846
Attorney for Applicants

MATTINGLY, STANGER & MALUR, P.C.
1800 Diagonal Road, Suite 370
Alexandria, Virginia 22314
Telephone: (703) 684-1120
Facsimile: (703) 684-1157
Date: September 17, 2004

FORM PTO-1449
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
NIT-335SERIAL NO.
10/091,425**LIST OF DOCUMENTS CITED BY APPLICANT**
(Use several sheets if necessary)APPLICANT
S. WATARI et alFILING DATE
March 7, 2002GROUP
2878**U.S. PATENT DOCUMENTS**

* EXAMINER INITIAL	DOCUMENT	DATE	NAME	CLASS	SUBCLASS	FILING DATE (If Appropriate)
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					

FOREIGN PATENT DOCUMENTS

	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	AL	10-253910	09/25/98	JAPAN		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	AM					<input type="checkbox"/>	<input type="checkbox"/>
	AN					<input type="checkbox"/>	<input type="checkbox"/>
	AO					<input type="checkbox"/>	<input type="checkbox"/>
	AP					<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT		

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.